

February 8, 1983

LB 149, 367

advancement of the bill. All those in favor vote aye, opposed vote no. Advancement of LB 149. Have you all voted? Clerk will record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The bill is advanced. LB 149 is advanced. We move to LB 367.

CLERK: Mr. President, LB 367 offered by the Government Committee. (Read title.) The bill was read on January 17, referred to the Public Health Committee for hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: I would like to ask for order in case anyone cares to hear Senator Landis explain the mosquito problem. The Chair recognizes Senator Landis.

SENATOR LANDIS: Yes, Mr. Speaker and members of the Legislature, LB 367 is a repealer and it strikes the statutes creating a form of political subdivision that has never been used in the State of Nebraska. This has been on the books since about 1959 and these sections create something called the mosquito abatement districts. Mosquito abatement districts have the power of eminent domain. They have the power of taxation, and they are created by a vote of the people in a special election in which to pass and be created they have to get 55 percent of those who voted for the Governor in the previous race to vote to create the district. Don't know if you have ever had any experience with special elections but no matter where you hold them the same six people show up, right, and they do not form 55 percent of the people that voted for the governorship in the previous race. In other words, the mechanism of the bill is so unwieldy and the powers in the bill are so great that they have never been formed. In fact, we have powers on the books vested with counties to do all the same things, draining of pools, even eminent domain, the use of the county general fund to effectuate the same public health functions. But this district has stayed on the books for twenty-five years and nobody has ever used it. I think in these kinds of cases we have given this experiment quite a long enough time to produce results and since they haven't, I would suggest that we cleanse the statutes of the mosquito abatement district powers.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you. Mr. President and members of